Cir. 2009), *petitions for rehearing denied* Nos. 08-1162, 08-1214 (July 1, 2009).

Chenega Integrated Systems, 354 NLRB No. 56, fn 1 (July 29, 2009). Thus, the Regional Director's Certification of Representative issued subsequent to the Board's Order denying Respondent's Request for Review established the Union as the exclusive collective-bargaining representative of Respondent's Francis Store nutrition employees. Accordingly, there are no material issues of disputed fact regarding the Union's status as the exclusive collective-bargaining representative of these employees or of Respondent's obligation to recognize and bargain with the Union. Concrete Form Walls, Inc., 347 NLRB 1299 (2006).

On the basis of the foregoing and the attached exhibits, it is respectfully submitted that the pleadings in the instant case raise no material issues of fact not admitted or previously determined, that Respondent submitted no valid defense for the acts alleged in the Complaint, that no hearing is necessary in this matter, and that it is appropriate for the Board to issue a Decision and Order without further proceedings. Thus, it is respectfully requested that the Board grant the Motions to Transfer Case to Board and for Summary Judgment and make findings of fact and conclusions of law, finding that Respondent's conduct violated §§ 8(a)(1) and (5) of the Act as alleged in the Complaint.

WHEREFORE, as the remedy for Respondent's unfair labor practices as alleged in the Complaint, the General Counsel further requests that the Board issue the proposed Order and Notice to Employees, which are attached as Exhibits J and K